COCUS

1993 Central Office Code Utilization Questionnaire

Company: _____ NPA: _____

Company Contact: _____ Phone: _____

Line /Description	Actual	Forecasted Requirements					
	1/1/93	1/1/94	1/1/95	1/1/96	1/1/97	1/1/98	1/1/99
1. Reserved Codes							
2. Protected Codes							
3. Plant Test Codes							
4. Cellular Dedicated Codes							
5. DID and Centrex Dedicated Codes							
6. Pager Dedicated Codes							
7. Special Codes							
8. Regular Codes							
9. Total Codes							

APPENDIX D

APPENDIX E

TIMELINES

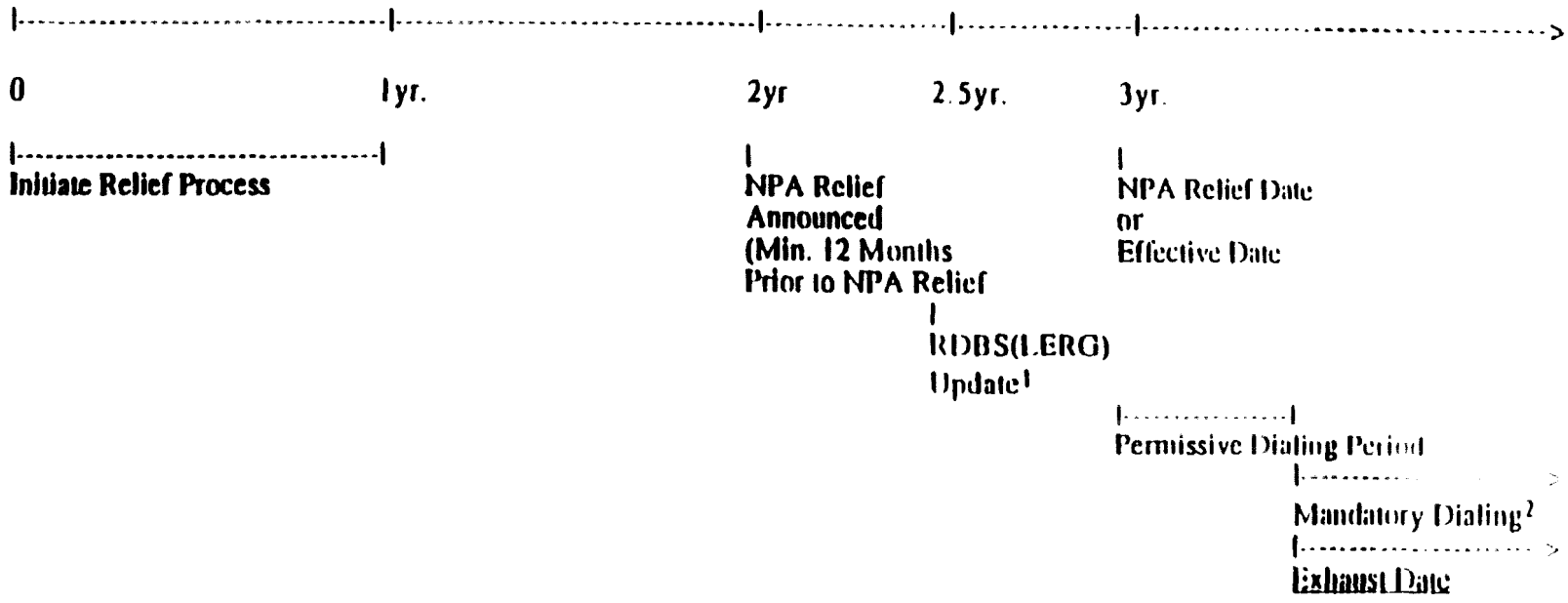
The attached timelines are provided for illustrative purposes only. However, the "NPA Relief" and the "RDBS Update" dates are the only dates currently recognized as Industry standards.

Time Lines

I. Conventional, Jeopardy and Extraordinary Time Lines

A. Conventional (Normal) Code Administrative Procedures

The projected exhaust date is beyond the three-year planning interval (i.e. supply ≥ demand).



- Demand < Supply
  Exhaust beyond the three-year planning interval.
- Conventional (normal) code administration guidelines apply.

---

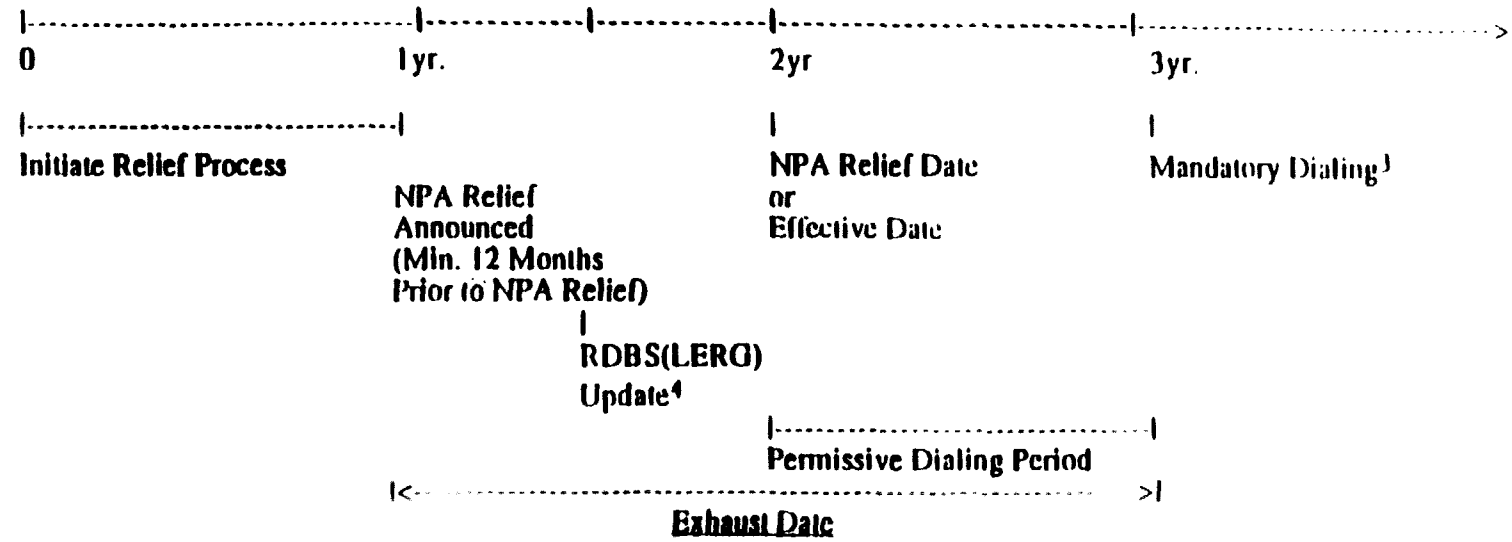
1 RDBS update needs to occur at least 6 months in advance of the effective date. (Reference: ICCF Document 92-0726-001 "Recommended Notification Procedures to Industry for Changes in Access Network Architecture")

2 The date where permissive dialing ends and the new NPA must be dialed to complete the call.

Time Lines

B. Jeopardy Conservation Procedures

At any point within the three-year planning interval where the demand > supply.



- Exhaust Date < Mandatory Dialing Date
  Exhaust Date = { demand (forecasted and/or actual) > supply }
- Initiation of quarterly (monthly) analysis of code demand.
- Announce the implementation of Jeopardy NPA Special Conservation Procedures. (Reference Sections 7.3 and 7.4)

The objective is to move the exhaust date beyond the mandatory dialing date through the use of jeopardy conservation procedures.

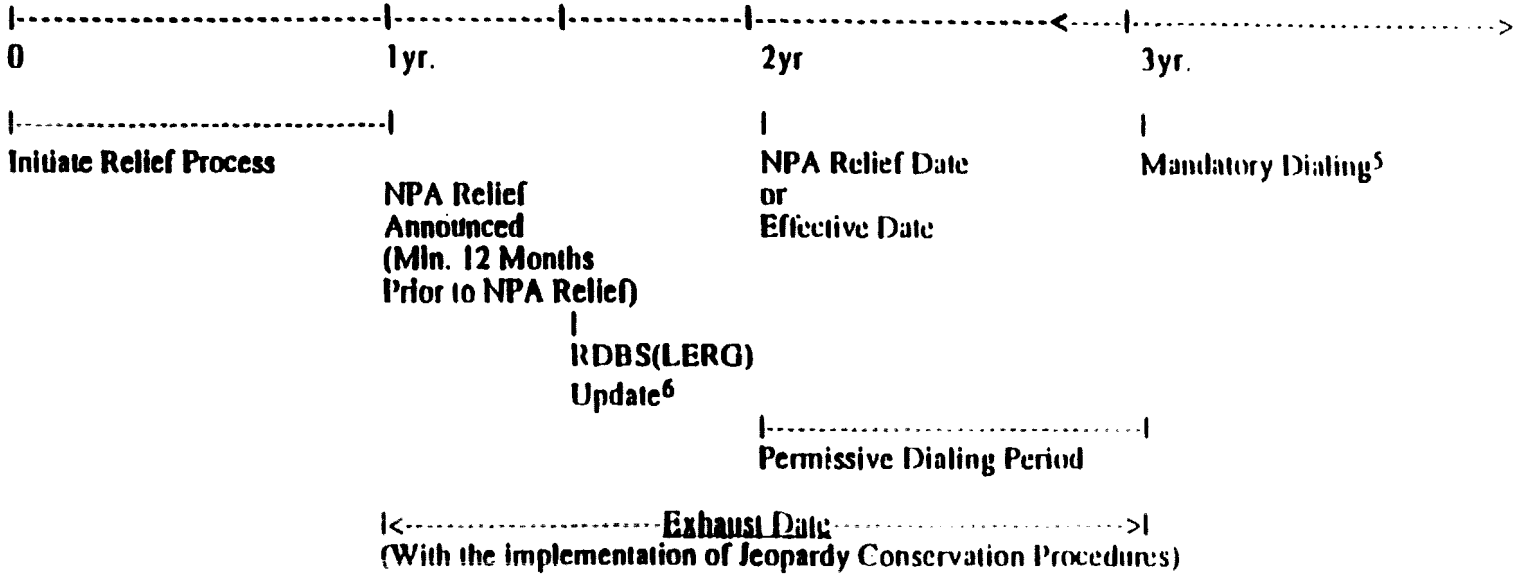
---

3 The date where permissive dialing ends and the new NPA must be dialed to complete the call.

4 RDBS update needs to occur at least 6 months in advance of the effective date. (Reference: ICCF Document 92-0726-001 "Recommended Notification Procedures to Industry for Changes in Access Network Architecture")

C. Extraordinary Conservation Procedures

Unique circumstances within a given NPA may require extraordinary conservation procedures. If special conservation procedures (as documented in Section 7.3 and 7.4) have been implemented and do not provide adequate relief in a jeopardy NPA, then extraordinary procedures will be implemented (Reference Section 7.5 and 7.6).



- Exhaust Date < Mandatory Dialing Date and Special Conservation Procedures have been implemented
  Exhaust Date = { demand (forecasted and/or actual) > supply }

The objective is to move the exhaust date beyond the mandatory dialing date.

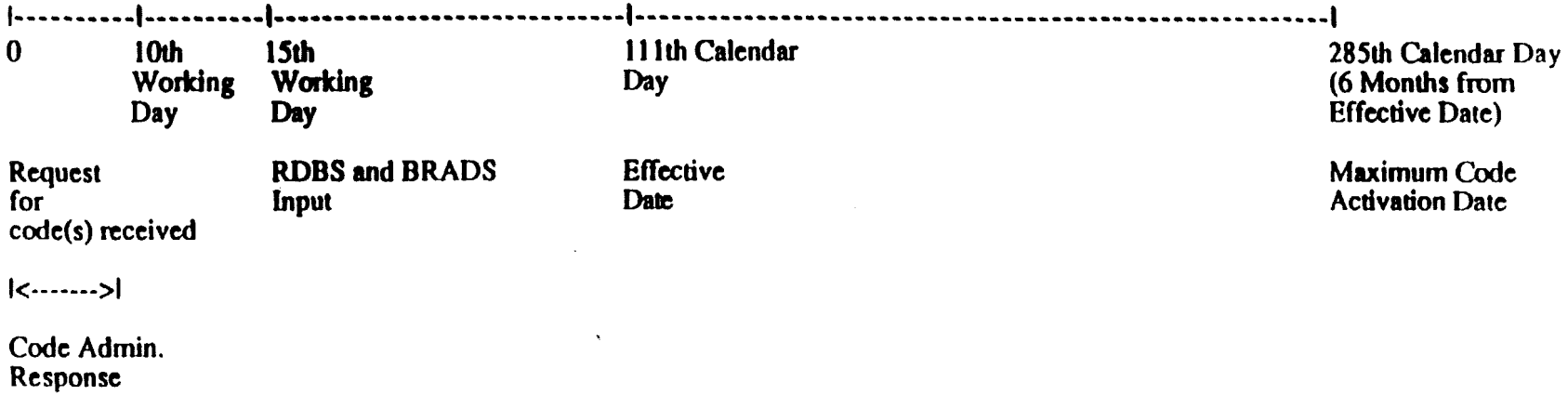
---

5 The date where permissive dialing ends and the new NPA must be dialed to complete the call.

6 RDBS update needs to occur at least 6 months in advance of the effective date. (Reference: ICCF Document 92-0726-001 "Recommended Notification Procedures to Industry for Changes in Access Network Architecture")

Time Lines

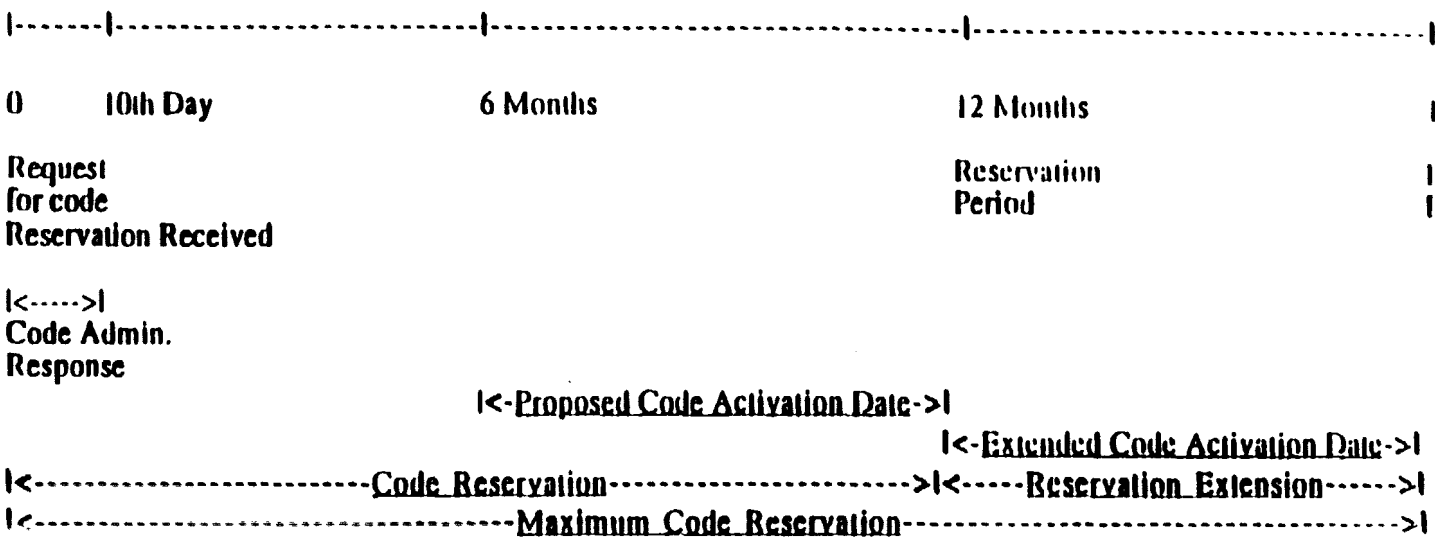
II. Code Activation Time Line



Note: All dates are measured from receipt of application.

Time Lines

III. Code Reservation Time Line



- **At 6 Months**
  The Code Applicant will either:
  - Submit a code activation request or
  - Request a reservation extension (in writing) or
  - Cancel the reservation.

  The Code Administrator will either:
  - Extend the code reservation period (based on the Code Applicant's input) or
  - Notify the Code Applicant of the intent to reclaim the code, initiate the code reclamation process and cancel the code reservation or
  - Begin the code activation process.
- **At 1 Year**
  The Code Applicant will either:
  - Submit a code activation request or
  - Cancel the reservation.

  The Code Administrator will either:
  - Notify the Code Applicant of the intent to reclaim the code, initiate the code reclamation process and cancel the code reservation or
  - Begin the code activation process.

APPENDIX E
PAGE 6 OF 6

☐ Initial

☐ Follow-up

JEOPARDY NPA

CENTRAL OFFICE CODE UTILIZATION SURVEY WORKSHEET

Company Name: _____ NPA: _____

Company Contact: _____ Phone: _____

	Actual	Forecasted Requirements						
	(As of) / /	(+ 3 mos) / /	(+ 6 mos) / /	(+ 9 mos) / /	(+ 12 mos) / /	(+ 18 mos) / /	(+ 24 mos) / /	(+ 36 mos) / /
1. Reserved Codes								
2. Protected Codes								
3. Plant Test Codes								
4. Cellular Dedicated Codes								
5. DID and CENTREX Dedicated Codes								
6. Pager dedicated Codes								
7. Special Codes								
8. Regular Codes								
10. Total Codes								

Return completed Form to:

No later than _____

APPENDIX F

EXTRAORDINARY NPA-SPECIFIC ALTERNATIVES

The following is a list of potential alternatives to be considered by Code Administrator(s) and interested parties when developing extraordinary NPA-specific conservation procedures. These alternatives, which should not be considered an exhaustive list, have been included as a suggested starting point and should not be viewed as recommendations. Furthermore, the alternatives have been listed in no particular order of importance.

- Accelerate the reassignment of numbers that have been disconnected, or otherwise returned. For example, some LECs reassign business lines after 12 months and residence lines after 6 months, and some cellular carriers reassign their "churn" lines after 6 months. These intervals should be shortened, where appropriate.

- Provide relief for a given switching entity/point of interconnection (POI) which is exhausting its numbers by taking advantage of available numbers in adjacent switching entities/POIs through one or both of the following methods:

  (a) Transfer of unassigned blocks of numbers from a CO code (NNX/NXX) in an adjacent switching entity/POI (i.e., "CO Code sharing")

  (b) Physical transfer and number change of customers served by the "Exhausting" switching entity/POI to an adjacent switching entity/POI ("Area Transfer")

- Advance the mandatory dialing date for a new NPA by shortening the permissive dialing period.

- Revamp the entire code relief project for a specific NPA by tightening up the schedule. For example, it may be possible to advance the relief date to avoid exhaust.

- Ration the availability of NXX codes. One way of doing this would be to limit the number of NXXs assigned per month in order to meet the projected relief date. An entity not receiving a code in the month requested would be given appropriate priority for the next months code assignments.

- Cancel all reserved codes, no exceptions.

- Return codes to the assignment pool that are not being used directly to serve customers, e.g., plant test codes.

- Encourage agreement by industry sectors to delay the request for new codes for a new switching entities, new points of interconnection and new services.

- Explore shifting boundaries of adjacent NPAs that have extra capacity in order to provide more numbers in the jeopardy NPA.

Central Office Code (NNX/NXX) Assignment Request and Confirmation Forms

Cover Sheet

Part 1: Request for NXX Code Assignment (Required)

Part 2: Routing and Rating Information (Optional)[1]

___ New ___ Change

Part 3: Administrator's Response/Confirmation (Required)

Part 4: Confirmation of Code Activation (Required)

---

1 Applicant is not required to complete Part 2 of the code request form. However, after a code is assigned, it is the responsibility of the applicant to provide the required information in Part 2 for entry into RDBS and BRADS before the NXX code will become active.

This draft revision dated 4/29/94 has been approved for initial closure but does not replace the approved version dated 12/1/93

Central Office Code (NNX/NXX) Assignment Request- Part 1

Please complete the following form. Use one form per NNX/NXX code request. Mail or fax the completed form to the Code Administrator.

The applicant is on notice that code assignments are granted subject to the condition that all code holders are subject to the assignment guidelines which are published and available from the appropriate Code Administrator.[1] A code assigned to an entity, either directly by the Code Administrator or through transfer from another entity, should be placed in service within 6 months after the initially published effective date.

These guidelines may be modified from time-to-time. The assignment guidelines in effect shall apply equally to all applicants and all existing code holders.

The applicant and the Code Administrator acknowledge that the information contained on this request form is sensitive and will be treated as confidential. Prior to confirmation the information in this form will only be shared with the appropriate administrator and/or regulators. Information requested for RDBS and BRADS will become available to the public upon input into those systems.

I hereby certify that the following information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NNX/NXX) Assignment Guidelines in effect on July 14, 1993.

_____
Signature of Authorized Representative of Code Applicant

_____
Title

_____
Date

1.0 GENERAL INFORMATION

1.1 Contact information:

Code Applicant	Code Administrator [1]
Entity Name: _____	Name: _____
Contact Name: _____	Address: _____
Address: _____	City, State, ZIP: _____
City, State, ZIP: _____	_____
_____	Phone: _____ FAX: _____
Phone: _____ FAX: _____	

1.2 NPA: ____ LATA: ____ OCN[2]: _____

Switch Identification (Switching Entity / POI)[3]: _____

City or Wire Center Name _____ Rate Center[4] _____

---

1 A list of the current Code Administrator(s), who can provide assistance in completing this form, is available upon request from NANPA (See Section 8 of the Guidelines).

2 Operating Company Number (OCN) assignments may be obtained from Bellcore Traffic Routing Administration (TRA) on 201-740-7500.

3 This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character COMMON LANGUAGE Location Identification® (CLLI) of the switch or POI.

4 Rate Center name must be a tariffed Rate Center associated with toll billing.

1.3 Dates

Date of Application _____ Requested Effective Date _____[5,6]

Acknowledgment and indication of disposition of this application will be provided to applicant as noted in Section 1.2 within ten working days from the date of receipt of this application.[7]

1.4 Type of Entity Requesting the Code:

a) Local Exchange Carrier ___ Other Local Common Carrier ___
Cellular Carrier ___ Radio Common Carrier (non-cellular) ___
Interexchange Carrier ___ Other (specify) _____

b) Type of service for which code is being requested:

_____

_____

_____

c) • Is certification or authorization required to provide this type of service in the relevant geographic area? Yes _____ No _____

(1) If no, explain:

_____

_____

(2) If yes, does your company have such certification or authorization? Yes ____ No _____

(i) If yes, indicate type and date of certification or authorization (e.g. letter of authorization, license, CPCN, tariff, etc.):

_____

_____

(ii) If no, explain:

_____

_____

d) CO Code (NNX/NXX) Assignment Preference ____ (optional)

e) CO Code(s) (NNX/NXX) that are undesirable for this assignment, if any _____

---

5 The normal nationwide cutover interval is a minimum of 90 calendar days after the NNX/NXX code request is input to RDBS and BRADS. To the extent possible, code applicants should avoid requesting an effective date that is of an interval less than 111 calendar days from the date of submission of this form.

6 Requests for code assignment should not be made more than 6 months prior to the requested effective date.

7 An incomplete form may result in delays in processing this request.

1.5 Type of Request (Select One):

_____ Initial code for new switching entity or new point of interconnection (Complete Section 2)

_____ Code request for New Application for existing switching entity or point of interconnection (Applicant must complete Section 1.7)

_____ Additional code for growth (Applicant must complete Section 1.6)

_____ Update information (Complete Section 2) (CO Code NNX/NXX) requiring update _____)

_____ Code Reservation only:[8]

_____ Initial Code (See Footnote 7)

_____ New Application (Complete Section 1.7)

_____ Growth (Complete Section 1.6)

1.6 Additional Code Request for Growth (See Section 4.2.1 of the Guidelines)

Basis of eligibility for an additional code for growth assigned to the switching entity/POI assumes the following: the initial code or the code previously assigned to a new application meets the exhaust criteria, as specified in the Central Office Code (NNX/NXX) Assignment Guidelines, depending on whether the NPA is in a non-jeopardy situation or a jeopardy situation as described in Section 7.3 of the guidelines. The appropriate situation shall be indicated below (select one).

____ Non-Jeopardy NPA Situation

I hereby certify that the existing CO code(s) (NNX/NXX) at this switching entity/POI is/(are) projected to exhaust within 12 months of the date of this application. This fact is documented on Appendix B and will be supplied to an auditor when requested to do so per Appendix A of the guidelines.

____ Jeopardy NPA Situation (see Section 7.4 (c) of the Guidelines)

I hereby certify that the existing CO code(s) (NNX/NXX) at this switching entity/POI is/(are) projected to exhaust within 6 months of the date of this application. This fact is documented on Appendix B and will be supplied to an auditor when requested to do so per Appendix A of the guidelines.

8 When the entity is ready to place the code in service, the entity should complete a new request form

1.7 **Code Request for New Application** (See Section 4.2 of the Guidelines)

Basis of eligibility for an additional code means that there has not been a code assigned to this switching entity/point of interconnection for this purpose. (Check the applicable space and, if applicable, provide the requested information).[9]

____ **Code is necessary for distinct routing, rating or billing purposes**[10]

_____

_____

____ **Other (Explanation required)**

The applicant must provide an explanation of why existing resources assigned to that entity cannot satisfy this requirement.

_____

_____

_____

1.8 **Authorization for entry of RDBS and BRADS information (Check applicable space).**

_____ I have attached a completed Part 2 of this form. This is the Code Administrator's authorization to input/revise the indicated RDBS and/or BRADS data. Further, I understand that the Code Administrator may not be the authorized party to input the data. The authorization and/or data input responsibilities are determined on an Operationg Company Number level. If the Code Administrator advises me that said Code Administrator does not have Administrative Operating Company Number (AOCN) responsibility for my data inputs, I will contact Bellcore-TRA to determine the correct AOCN company. Upon that determination, I will submit Part 2 directly to the AOCN company for input to RDBS and BRADS.

_____ Part 2 of this form is not attached. RDBS and BRADS input will be the responsibility of the applicant.

9 If eligibility is based on a category that requires additional explanation or documentation and the code administrator denies a request, the applicant has the option to pursue an appeals process.

10 Any additional information that can be provided by the code applicant may facilitate the processing of that application.

2.1 RDBS and BRADS Entries for New Switching Entities/POI's (Initial Code Assignment) and for Special Applications.

The following entries are necessary for an initial code request and/or changes in the functionality of an initial or additional/subsequent code(s) assigned to a switching entity or POI.

a. Operating Company Number (OCN): _____

b. New Switching Entity or New Point of Interconnection Address:

_____

_____

City _____ State _____ Zip Code _____

c. Switching Entity / POI Coordinates: Vert.: _____ Horiz.: _____

d. Equipment Type[3]: _____

e. Locality: _____

Rate Center[4]: _____

Major: Vert.: _____ Horiz.: _____

Minor: Vert: _____ Horiz.: _____

f. Tandem Homing Arrangements (CLLI codes for toll traffic tandem switches):

ORIG FG D TDM: _____ FG B TDM: _____ HOST: _____
FG C TDM: _____ OS TDM: _____ 800 SSP: _____
TERM FG D TDM: _____ FG B TDM: _____ HOST: _____
FG C TDM: _____ OS TDM: _____
STP STP 1: _____ STP 2: _____

g. Switch Information:

Name: _____

Model: _____

Analog ____ Digital ____

h. International Direct Distance Dialing (IDDD): Y ___ N ___

---

3 The 2 or 3-character Common Language Switch Type Identifier is described in the BR-751-100-460.

4 Rate Center name must be a tariffed Rate Center associated with toll billing. The Rate Center coordinates may be different from the Switching Entity/POI V & H coordinates.

RDBS and BRADS Entries Required for Routing and Rating

2.0 The following information is required for all initial and/or additional/subsequent NNX/NXX code assignments and/or re-assignments.

This information is required for RDBS and BRADS input.[1]

Check One:

a. Initial Code: _____ Additional/Subsequent Code: _____

Code Re-assignment: _____ Code Removal: _____

b. Area Code (NPA): ____ LATA: ____ COC (NNX/NXX): ____

c. Effective Date: _____

d. Switch Identification (Switching Entity / POI)[2]: _____

e. Switching Entity - Central Office Code (COC) Type (check applicable space): (Reference: LERG, Section 1)

_____ End Office Code (EOC)

_____ Planned Code (PLN)

_____ Public Mobile Carrier (Type 2 Interconnected)

_____ Radio Common Carrier (Dedicated Type 1 Interconnected) (RCC)

_____ Standard Plant Test Code (TST)

f. Line Ranges (e.g., 0000-9999): _____

g. Quantity of Terminating Digits to be Outpulsed to:

End Office: _____ Access Tandem: _____ Host Switch: _____

h. Special Service Code (SSC) Indicator: ____

A = INTRA-LATA Use Only
B = Paging Services
C = Cellular Services
M = Local Mass Calling Code
I = Pseudo 800 Service Code
T = Time
W = Weather
O = Other (Explanation on notes line of RDBS on-line screens)
N = Not applicable
R = Two-Way Conventional Mobile Radio
8 = 809 NPA Code Belonging to North American Numbering Plan
X = Service Provider Requests Local Exchange Carrier IntraLATA Special Billing Option

i. Dialable Indicator (DIND): Y ___ N ___

---

1 Information required in RDBS and BRADS is subject to change; for up-to-date information please refer to the latest issue of the LERG, an output document of RDBS. For information regarding ordering the LERG call 201-740-7500.

2 This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character COMMON LANGUAGE Location Identification® (CLLI) of the switch or POI.

i. Switching Entity/Point of Interconnection Office Functionality

Switching Entity - Office Functionality (SOF) select at least one of the following: (Reference: LERG, Section 1)

Note: This section is applicable for a new switching entity/POI and/or a change in switch feature functionality. Identify all appropriate functions.

	Office Functionality	Definition
____	END OFC	End Office
____	FG D TDM	Feature Group D Tandem Function
____	DA TDM	Directory Assistance Tandem
____	ISDN OFC	Integrated Services Digital Network Office
____	CELLULAR OFC	Cellular Office
____	HOST	Host
____	FG B TDM	Feature Group B Tandem Function
____	OS TDM	Operator Services Tandem
____	PPSN OFC	Public Packet Switched Network Office
____	REMOTE	Remote
____	FG C TDM	Feature Group C Tandem Function
____	STP	Signaling Transfer Point
____	PSDS OFC	Public Switched Digital Service Office
____	DA OFC	Directory Assistance Office
____	FG D ADJ EO	Feature Group D Adjunct End Office
____	FG D ADJ TDM	Feature Group D Adjunct Tandem
____	CELLULAR TDM	Cellular Tandem
____	CCS AC OFC	Common Channel Signaling Access Capable Office
____	800 SSP	The switching entity from which database queries for originating 800 traffic are initiated
____	_____	_____
____	_____	_____

j. Switching Entity/Point of Interconnection Network Services

Switching Entity - Network Services (SNS), select from the following:
(Reference: LERG, Section 1)

Note: This section is applicable for a new switching entity/POI and/or a change in switch network services. Identify all appropriate network services.

	Network Services	Definition
____	FG A	Feature Group A
____	FG B	Feature Group B
____	FG C	Feature Group C
____	FG D	Feature Group D
____	ANI	Automatic Numbering Identification II Digit Codes
____	FANI	Flexible Automatic Numbering Identification
____	800	800
____	WATS	WATS
____	UWAL	Universal WATS
____	COIN	Coin
____	PAGING	Paging
____	MARINE	Marine
____	MOBILE	Mobile
____	CONF	Conference
____	AIR-GND	Air-To-Ground
____	TOLL STA	Toll Station
____	CLASS	CLASS
____	ABS	Alternate Billing Services
____	PVN	Private Virtual Network
____	700	700
____	900	900
____	INFO PVDRO	Information Provider
____	ONA	Open Network Architecture
____	ONA F1	Open Network Architecture Future
____	_____	_____
____	_____	_____

Administrator's Response/Confirmation

Date of Application: _____ Date of Receipt: _____

Date of Response: _____ Effective Date: _____

Code Administrator Contact Information:

_____ Phone _____
Signature of Code Administrator

_____ Fax: _____
Name (print)

___ **Code Assigned: _____ NPA: _____ Date of NXX Code Assignment: _____**

Switch Identification (Switching Entity / POI)[1]: _____

Routing and Rating information complete: Yes _____ No _____
Additional RDBS and BRADS information necessary as follows:

_____

To be published in the LERG and TPM by _____ additional RDBS and BRADS information needs to be received by the code administrator no later than _____.

___ **Code Reserved: _____ Date of Reservation: _____**

Your code reservation will be honored until _____

Switch Identification (Switching Entity / POI)[1]: _____

___ **Form incomplete**

Additional information required in the following section(s):

_____

___ **Form complete, code request denied.**

Explanation: _____

_____

___ **Assignment activity suspended by the administrator.**

Explanation: _____

_____

Further Action: _____

___ **NPA in jeopardy: Yes _____ No _____**

If yes, refer to Section 7 of the assignment guidelines.

Remarks:

_____

---

1 This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character COMMON LANGUAGE Location Identification® (CLLI) of the switch or POI shown on Part 1 of this form.

This draft revision dated 4/29/94 has been approved for initial closure but <u>does not</u> replace the approved version dated 12/1/93

Confirmation of Code Activation (Required)

By signing below, I certify that the CO code (NNX/NXX) specified in Section 1 below is in service and that the CO code (NNX/NXX) is being used for the purpose specified in the original application (See Section 6.3.3).

Authorized Representative of Code Applicant (Print) _____ Signature _____

Title _____ Date _____

1. **NPA-NNX/NXX code:** _____ - _____

2. **Switch Identification (Switching Entity / POI)[1]:** _____

3. **Dates:**

   Date of Application: _____

   In-Service Date: _____

[1] This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character COMMON LANGUAGE Location Identification® (CLLI) of the switch or POI.

APPENDIX B: TARIFF REVIEW PROCESS

The Commission's rules generally require local exchange carriers to demonstrate that their proposed rates, terms and conditions are just and reasonable and to file tariffs that do not take effect until expiration of a public notice period. The rules also provide interested parties with an opportunity to challenge proposed tariffs. This regulatory framework is discussed below.

1. Description and Justification

The FCC's regulations require most LECs to attach provide a "description and justification" to certain tariff filings. The "D&J" generally explains the basis used to develop the tariffed rates. As such, it may provide useful information for assessing the reasonableness of a particular tariff.

2. Time Frame for Objecting to Tariff

The FCC's rules stipulate that carriers must provide interested parties with advance notice of the effective date of their tariffs. Depending on the nature of the tariff, the amount of notice may range from 1 to 120 days. Presumably, any blanket tariff for LEC/CMRS interconnection would need to be filed on at least 90 days' notice, given the importance of reasonable interconnection to the CMRS industry. The time period for filing a petition to suspend or reject a tariff varies depending on the notice period provided in the tariff:

NOTICE PERIOD (IN DAYS)	PETITIONS DUE (IN DAYS)	CARRIER'S RESPONSE (IN DAYS)
90 or more	25	8
30-89	15	5
15 to 29	7	4
14	6	3
1	0	0

3. FCC Authority to Review Tariffs

The FCC may reject a tariff — that is, prohibit it from taking effect — if the tariff is *prima facie* unlawful; i.e., it demonstrably conflicts with the Communications Act or a Commission rule, regulation, or order. In general, tariffs will not be rejected just because the rates appear to be unreasonable. In most cases, if the FCC believes a tariff raises serious legal issues, it will suspend the tariff's effective date and initiate an investigation into its lawfulness. The suspension period may be as long as five months. If the tariff investigation has not been concluded before expiration of the suspension period, the tariff takes effect. However, the FCC can order a carrier to keep track of revenues received under the tariff rates and can order the carrier to refund excessive revenues if the rates eventually are found unreasonable

4. Judicial Review

An FCC decision allowing a tariff to take effect is not subject to immediate judicial review. Instead, a party seeking to challenge the lawfulness of a tariff that has taken effect must file a complaint with the FCC and make a *prima facie* case that the tariff violates the Communications Act or the FCC's rules. The order disposing of such a complaint is final, and therefore is subject to judicial review. However, until the complaint process is exhausted — a process that often takes a year or more — there is no recourse for judicial review of a tariff.

to the PSTN. As a result, before beginning negotiations with a LEC, it may be worth while to determine whether alternative sources of supply are available for links between transmitters and the mobile switch, interconnection with IXCs, or inter-office facilities between LEC switching offices. If so, the presence of competition for some elements of interconnection may be used as leverage to seek more favorable rates for facilities that are available only from the LEC. That is, a CMRS provider may be able to secure a lower price from the LEC if it agrees to obtain all elements of interconnection from that carrier.

Fifth, assume the burden of drafting an initial agreement and any new or revised clauses. Before even scheduling the negotiation, it is advisable to have a complete model agreement that accomplishes your key objectives while leaving some room for give-and-take on less important issues. For obvious reasons, it is far more preferable to work off an agreement drafted by you rather than by the LEC, and the same holds true for new clauses or changes to the language. The added burden of doing the drafting is more than offset by the ability to control the baseline from which negotiations proceed. It is important to realize, however, that the draft agreement should provide a realistic starting point that assures you will come away with what you need. A grossly one-sided or selfish draft will do more harm than good.

Sixth, seek documentation of claims that regulation prevents the LEC from acceding to your requests. Without a doubt, LECs operate under a pervasive regulatory scheme in many states and at the federal level. Nonetheless, particularly when dealing with co-carriers, LECs have considerable flexibility in developing rates and may incorporate terms and conditions in inter-carrier contracts that would not readily be included in end user tariffs. Accordingly, if a LEC states that a rule or policy prevents it from agreeing to particular rates, terms, and conditions, ask to see a copy of the specific rule or policy. Many times, vague references to regulatory obstacles are simply business decisions masquerading as non-existent, or arguably inapplicable, regulatory restrictions.

APPENDIX C: NEGOTIATING SUGGESTIONS FOR INTERCONNECTION AGREEMENTS

This Appendix offers practical advice for negotiating interconnection agreements that contain favorable technical and economic terms and provide long-term stability. These suggestions are summarized in the sidebar below.

NEGOTIATING SUGGESTIONS

- If possible, use intercarrier agreements rather than tariffs.
- Do not reference tariff rates in your interconnection agreements. Instead list all applicable rates.
- Makes sure that the person negotiating for the LEC is authorized to bind the carriers.
- Define your objectives before beginning the negotiations.
- Prior to the negotiations determine whether competitive alternatives are available.
- Draft a model agreement before the negotiations and assume the burden of drafting any new or revised clauses.
- If a LEC claims that regulation prevents it from acceding to your requests, ask to see a copy of the specific rule or policy or to be provided with a detailed written explanation of the asserted reason.

First, attempt to use inter-carrier agreements rather than tariffs. Inter-carrier agreements have several important advantages over tariffs. Most notably, they are unquestionably binding on both the LEC and the CMRS provider. Tariffs, in contrast, generally may be altered by the LEC when the change affects only end users. CMRS providers, of course, are co-carriers, and precedent at the federal level holds that carrier-carrier tariffs may not be unilaterally revised. Nonetheless, tariffs at the state level create a risk of unfavorable changes in rates, terms, or conditions, which should be avoided if at all possible.

A corollary to this principle is that interconnection agreements should not reference rates in tariffs; rather, they should list all applicable rates. This recommendation is important because if an otherwise binding contract simply references rates that themselves are subject to change, the CMRS provider may find itself subject to unanticipated — and unavoidable — rate increases.

Of course, some states require tariffs for intrastate CMRS/LEC interconnection. In these cases, the CMRS provider should seek to persuade the LEC to file a separate interconnection tariff. By doing so, the CMRS provider can insulate itself from rate increases or adverse changes in terms and conditions affecting the LEC's general end user tariffs.

Second, assure that the person negotiating for the LEC is authorized to bind that carrier. Many LECs are huge companies with layer upon layer of managers — many of whom may not be authorized to commit the company. Before sitting down to negotiate, therefore, it is advisable to make sure that the LEC's representative has the power to sign a valid and binding interconnection agreement. Without this precaution, it is possible to get to the end of the negotiations only to have the LEC's negotiator inform you that the agreement must now be cleared through his or her supervisors. This creates both the potential for delay and the risk that the LEC will use the clearance process as a pretense for extracting additional concessions.

Third, before beginning the negotiations, define your objectives. Preparation is the key to successful negotiations. An important element of preparation is knowing exactly what you want (your goals), exactly what you need (the minimum you will settle for), and what your most important issues are. Obviously, you should focus your attention on achieving your primary objectives, and not expend time haggling over relatively minor considerations.

Fourth, explore competitive alternatives that may be available. Competition at the local level is beginning to emerge in an increasing number of states. Cable companies, competitive access providers, long distance carriers, or even other wireless carriers may be able to provide some elements of interconnection, although none will be capable of providing full interconnection